

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-33, 39, 42-46, 52, 55 and 56 are pending in the application, with 1, 5, 18, 31 and 44 being the independent claims. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Claim Objections

Claims 31-33, 39, and 42-43 were objected to due to a typographical error. Claims 31 and 33 have been amended to replace “being in” with “being within” in accordance with the Examiner’s request. Reconsideration and withdrawal of the objection to claims 31-33, 39, and 42-43 are respectfully requested.

Rejections under 35 U.S.C. § 102

Claims 1-3, 5-6, 16, 18-19, 29, 31-32, 42, 44-45, and 55 stand rejected under 35 U.S.C. 102(e) as being allegedly anticipated by U.S. Pat. No. 6,418,160 to Miller (“Miller”). Applicants respectfully traverse.

Claims 1 recites, among other things, “a central modem configured to generate a modified capability indicator from a standard capability indicator, said modified capability indicator being used to indicate that said central modem is able to select a

direction of transmission over one or more frequency bands available for use by said central modem.”

The Examiner states that Miller teaches this feature in Fig. 2 and col. 3, lines 41-52. Applicants respectfully disagree with the Examiner’s characterization of this portion of Miller. Miller is directed to troubleshooting the connection speed between a central modem and a remote modem. Fig. 2 illustrates a general process for troubleshooting the problems in connection speed. Col. 3, lines 41-52, of Miller describe measuring the gain of a signal across the subscriber loop at various frequencies to determine a slope of the gain and an A/D value calculated as the difference between signal levels at two different frequencies.

Measuring two different values that relate to signal attenuation/gain has nothing to do with selecting a direction of transmission over available frequency bands. In fact, Miller nowhere discusses selecting a direction of transmission over one or more frequency bands, as recited in claim 1. The only relevant discussion of direct communication between the central modem and the remote modem is in col. 3, lines 23-27 of Miller, which states that “prior to establishing a communication link, the modem 12 will perform a handshaking and initialization routine to establish the maximum communication rate between the modem 12 and the desired computer system or network.” No details regarding the handshaking routine are given. Further, a direction of transmission is not even mentioned, much less used as a variable.

Applicants thus submit that Miller neither teaches nor suggests, among other things, “a central modem configured to generate a modified capability indicator from a standard capability indicator, said modified capability indicator being used to indicate

that said central modem is able to select a direction of transmission over one or more frequency bands available for use by said central modem,” as recited in claim 1. For at least these reasons, Applicants respectfully submit the claim 1 is patentable over Miller. Claims 2-3 depend from claim 1, and are thus patentable over Miller for at least the same reasons as discussed with respect to claim 1, and further in view of their own respective features. Reconsideration and withdrawal of the rejection of claims 1-3 are thus respectfully requested.

Claims 5 and 31 recite, among other things, receiving “a modified capability indicator generated from a standard capability indicator, said modified capability indicator being used to indicate that a central modem is able to select a direction of transmission over one or more frequency bands available for use by said central modem.” Claims 18 and 44 recite, among other things, generating at a central modem “a modified capability indicator from a standard capability indicator, said modified capability indicator being used to indicate that said central modem is able to select a direction of transmission over one or more frequency bands available for use by said central modem.”

As discussed with respect to claim 1, Miller neither teaches nor suggests a modified capability indicator being used to indicate that a central modem is able to select a direction of transmission over one or more frequency bands available for use by the central modem, as recited in claims 5, 18, 31, and 44. Applicants thus submit that claims 5, 18, 31 and 44, as well as their respective dependent claims 6, 16, 19, 29, 32, 42, 45 and 55 are patentable over Miller for at least the same reasons as discussed with respect to claim 1, and further in view of their own respective features. Reconsideration and

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withdrawal of the rejection of claims 5-6, 16, 18-19, 29, 31-32, 42, 44-45, and 55 are respectfully requested.

Allowable subject matter

Applicants thank the Examiner for indicating that claims 4, 7-15, 17, 20-28, 30, 33, 39, 43, 46-52, and 56 contain allowable subject matter.

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Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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